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**FINAL**

# **Environmental Impact Report**

## **Northpoint Pier: Storage Building & Service Yard**

September 21, 1978

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FINAL

ENVIRONMENTAL IMPACT REPORT

ON

NORTHPOINT PIER: STORAGE BUILDING AND SERVICE YARD

SAN FRANCISCO

September 22, 1978

Project Sponsor: North Point Center, Inc, dba Pier 39

Lead Agency: San Francisco Bay Conservation and Development Commission





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## SUMMARY

### I. Introduction

On May 20, 1977, the San Francisco Bay Conservation and Development Commission issued Permit No. 22-76 for the development on the Northeastern Waterfront of San Francisco commonly known as the Northpoint Pier, now known as Pier 39. Subsequent to the issuance of that permit, a question arose as to whether a service and storage building and adjacent service yard proposed to be located at the extreme eastern end of the development had been included in the authorization contained in the BCDC permit.

A review by the Commission staff of the permit file, including the application submitted by the applicant, revealed no reference to the service building or the service yard. The exhibits submitted by the applicant showed only an outline of a building in the area where the applicant subsequently stated the building and yard were to be located, and this outline was unshaded and unlabeled. The depictions of the other major uses in the project were both shaded and labeled. The staff also reviewed the specific language of the authorization contained in the permit. This language, though more detailed than the authorizing language in most BCDC permits and mentioning all the other major uses proposed in the project, did not refer to either the service building or the service yard.

The staff also reviewed the environmental impact report entitled Proposed North Point Park/Marina on the project prepared by the City of San Francisco. Although the building and the yard appear to be included in the City's authorization of the North Point Center development, the staff could not find any specific discussion of these facilities in the City's EIR.

On the basis of this review, the staff concluded (a) the service building and the service yard were not included in the authorization contained in BCDC Permit No. 22-76; (b) Permit No. 22-76 would have to be amended to include these facilities; and (c) because the facilities has not been discussed in the City-certified EIR, an EIR for that purpose would have to be prepared by the Commission. The applicant does not agree with these staff conclusions, but has agreed to file an application for an amendment to Permit No. 22-76, and to cooperate in the preparation of an EIR, without waiving any rights, if any, it may have to construct these facilities under the existing authorization in Permit No. 22-76.

Although the City-certified EIR did not discuss the individual impacts of the service building and service yard, it did discuss the impacts of the development in considerable detail. Furthermore, it seems clear that the applicant considered the building and the yard to be functionally part of the larger development, and the impacts on the environment of the larger development were dealt with exhaustively in the City-certified EIR. That EIR is therefore incorporated herein by reference, and this EIR deals only with those impacts on the environment specifically attributable to the service building and the service yard, primarily obstruction of views.



## II. Environmental Description

The environment that existed prior to commencement of construction on the North Point Center is described in some detail in the certified environmental impact report on that development. As a result of the certification of that EIR and the issuance of permits by the City and County of San Francisco and BCDC, the areas in the vicinity of the proposed storage building and service yard is undergoing substantial development.

## III. Environmental Impact

The project will have both positive and negative effects.

Positive effects include the following:

- The project will free the entire Pier 39 complex to pedestrian access between the hours of 11:30 a.m. and 2:30 a.m. by receiving truck and vehicle traffic at its remote location;
- As part of the larger Pier 39 complex, redevelopment of an under utilized area, promoting jobs, income and an increase in tax base;
- Visual improvement of a currently unattractive area of The Embarcadero;

Negative effects include the following:

- Short-term construction impacts such as dust, noise, large machinery, litter and congestion;
- Adverse effects on Bay ecology due to the placement of pile-supported fill for the building;
- Increased consumption of energy, both during and after construction;
- Decreased air quality as a result of vehicle trips to and from the service building and the development; and
- Loss of views for 250 feet along The Embarcadero.

A number of mitigation measures are proposed to reduce these impacts, including the previous provision of new water surface area to mitigate new fill for the Pier 39 development, which will also mitigate the placement of pile-supported fill for the service building. In addition, the architectural theme of the Northern Waterfront will be continued in the design of the service building. As part of the larger Pier 39 project, opening The Embarcadero for a greater length for Bay viewing will mitigate the loss of views by construction of the service building and service yard.

Several alternatives to the project were considered including a no project alternative and the use of Pier 35 alternative. Other alternatives centered around using Pier 33, using Pier 39, and the use of a more remote site.

## Conclusion

While the project would result in some adverse impacts, the project provides substantial socio-economic benefits, with a minimal disturbance of the environment.

Pursuant to Commission Regulation 10946, the Commission held a public hearing on June 15, 1978 on the Draft EIR when interested parties and the public testified. The Draft EIR was also circulated through the State Clearinghouse and mailed to parties who had indicated an interest in such documents or projects. Written testimony and comments were accepted until July 1, 1978 when the comment period was closed. This Final EIR was then prepared in light of the comments received at the public hearing and in writing. In accord with Commission Regulation 10940 the Final EIR includes a list of persons, organizations, and public agencies commenting on the Draft EIR and the responses of the Commission to the points raised by the commentators.



## I. Project Description

### A. Project and its Location

The project covered by this environmental impact report consists of a service building and service yard. The project would be located at the east end of the North Point Center development next to Pier 35. The general vicinity of the project is as shown on Exhibit 1.

The service building would be a three-story structure occupying approximately 7,000 square feet. The size is based on an estimate of the square footage needed to store materials and supplies to service the restaurants and specialty shops at the Pier 39 complex.

### B. Purpose of the Project

The purpose of the service building is to provide a remote facility to receive incoming materials for restaurants and shops located on Pier 39, between the hours of 11:30 a.m. and 2:30 a.m. Specifically, the building and the yard would be used to (1) receive and store restaurant, shop, and boutique materials; (2) load and transport materials to Pier 39; and (3) store materials and equipment for landscaping and marina maintenance. This will enable the developer to use the public access area on Pier 39 for pedestrians only during the daylight hours when the heaviest pedestrian traffic is expected. The exact number of vehicles necessary for this function is not known at this time. Forklifts, vans or other similar conveyances will probably be used to transport materials.

Public access would be provided around the storage building and the service yard. This area would be connected to The Embarcadero through an entryway located between the storage building and the Pier 35 bulkhead building (see Exhibit 2). Viewed from The Embarcadero, the project would appear as shown in Exhibit 3. The architecture would blend into the existing Pier 35 arch and bulkhead buildings.

### C. Other Approvals Required

1. City of San Francisco Planning Commission's Northeastern Waterfront Plan dated December 1976, incorporated Pier 39 into the Master Plan of the City and County of San Francisco. Page 16 of the Northeastern Waterfront Plan included as Exhibit 4, and Resolution 7551 dated 8/26/76 granting a Conditional Use Permit.

2. City of San Francisco Art Commission approved plans submitted through Phase II design 3/6/78. Only submittal of working drawings conforming to Phase II plans required for final approval.



## II. Environmental Description

### A. Present Environment

1. Pier 39 Development. The environment that existed prior to the commencement of construction on Pier 39 development is described in some detail in the certified environmental impact report (EIR) on that development. As a result of the certification of that EIR and the issuance of permits by the City and County of San Francisco and BCDC, the area in the vicinity of the proposed service building and service yard is undergoing substantial redevelopment. The remainder of Pier 37, destroyed by fire, has been removed. The commercial recreational facilities at Pier 39 have been designed; the designs have been largely approved by the affected public agencies; and construction is well underway. Completion of the Pier 39 facilities is scheduled for October, 1978. A 1,000-car garage is also part of the development, and construction is underway on it as well. The garage is also scheduled to be completed by October, 1978.

2. Views. At the present time, and assuming that no construction materials were stored along The Embarcadero, there would be Bay views for a total of approximately 1,475 feet along The Embarcadero. Prior to the fire that destroyed Pier 37 and prior to the Pier 39 development, most of these views did not exist. Specifically between Piers 41 and 35, there were views of the Bay for only 500 feet along The Embarcadero: 200 feet between Piers 41 and 39; 300 feet between Piers 39 and 37, and no views between Piers 37 and 35 where the service building and service yard would be located. This is shown on Exhibit 5, Pier 37 had been slated for demolition and removal as part of the Pier 39 development, but the fire made demolition largely unnecessary.

## III. Environmental Impact

### A. Description

The project will block some existing views of the Bay from the Embarcadero. If the storage building and service yard were not built as proposed, there would be views for 1,475 feet along The Embarcadero\*. The building yard would front on The Embarcadero for about 100 feet, leaving views for about 1,375 feet, but would partially obstruct views of cruise ships when docked at Pier 35. This is shown on Exhibit 6. Of this 1,375 feet, views for approximately 150 feet would be partially obstructed by materials and equipment which will be stored in the maintenance yard, which will be fenced and 3 feet above grade. Additional maintenance would be necessary for the service building and maintenance yard to assure public safety and adequate maintenance of the pedestrian archway between the service building and Pier 35.

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\*The existing Crow's Nest restaurant now blocks views for about 85 feet along The Embarcadero between the former location of Pier 37 and Pier 39. The lease for the restaurant, which pre-dates the Pier 39 development, but which has been assigned to the developer, terminates in 1982, and the developer indicates it would not be renewed.

Exhibit 7, is a copy of a photograph of The Embarcadero with and without the storage building and service yard in place.

B. Adverse Environmental Effects that Cannot be Avoided if the Proposal is Implemented

As part of the larger Pier 39 development, the service building and yard would be part of the intense use of a previously underutilized site. Technology has not progressed to a point where increased human use would cause no adverse impacts. On the other hand, The Embarcadero has been intensively used in the past and allowed to fall into disuse. Thus, the impacts on the site from the contemplated project would be far less than if the site were in a natural state.

While many of the adverse impacts of human development in this area can be avoided, several cannot. Those adverse environmental effects which would be difficult to reduce to an insignificant level are as follows:

- Short-term construction impacts, noise, dust, large machinery litter, and congestion;
- Increased consumption of energy, during construction and afterward, to operate the uses established;
- Decreased air quality in the area as a result of emissions from vehicles utilizing the service building and yard; and
- Loss of views for 250 feet along The Embarcadero, and loss of views of passenger ships when in port at Pier 35.

C. Mitigation Measures Proposed to Minimize Impact

The storage building would increase the architectural profile of Pier 35 approximately 120 feet. The arch over the pedestrian entry between the building and the Pier 35 facade and architecture of the storage building would continue the existing architectural theme of the Northern Waterfront. However, the Port Commission has indicated that Pier 35 is now available for development. This is, apparently one reason why the Port did not wish to grant the project sponsor the use of a portion of the shed on Pier 35 for the service facility for longer than two years. A substantial development on Pier 35 would likely involve the removal of the Pier shed and, probably, the facade. A new architectural design and layout would most likely accompany any major development on Pier 35. In that case, the construction of the adjacent service building in the present architectural motif of the Pier 35 facade would not be adequate mitigation. In fact, such a design would be an anomaly if the Pier 35 facade is demolished. If Pier 35 is to be developed, it would be preferable to have the service building and yard designed to be compatible with the architectural theme of the new development proposed for Pier 35. However, it is not now possible to determine when, if ever, a major development may be expected for Pier 35.

Additional mitigation could take the form of an extension of the park, which, is being built as part of the Pier 39 project, along The Embarcadero to Pier 35. While only a portion of the area immediately adjacent to The Embarcadero could be used in this manner because most of the bulkhead area here would be devoted to the service building and yard, it would be a benefit if a similar landscape theme carried greenery along the Embarcadero to Pier 35. There would be interruptions for driveways for the service vehicles. The service yard would be fenced. Thus the fence, as well as the service building, will present a visual and physical obstacle to the Bay.

Other possible mitigation might include providing new views of the Bay by helping to finance the removal of unnecessary Pier facade connections elsewhere on the waterfront near the project site.

#### D. Alternatives to the Proposed Project

1. No Project. At Pier 39, there is not sufficient space for long-term storage in the shops and restaurants located there as presently constructed and leased. The developer states that changes to lease and space commitments are not possible at this time. Placing the storage building on Pier 39 would also be inconsistent with the permits issued by the City and County of San Francisco.

It is also planned to have delivery truck traffic excluded from the Pier 39 public access areas (which also serve for service access) during the hours of heavy public use after 11:30 a.m. This makes a convenient but remote storage facility accessible at all times necessary.

2. Use Pier 35. This is technically feasible and would have none of the detrimental impacts of the project as proposed. The Port of San Francisco has leased a portion of Pier 35 to the developer for a two-year period as a temporary storage building/service facility. The Port is not willing to lease the space in Pier 35 for a longer period, however, because it says it may wish to develop all of Pier 35 for other uses.

The Port does not at present have a developer for Pier 35, although a tentative development proposal has been presented to the Port Commission. Under the Special Area Plan for the San Francisco Waterfront, a "Total Design Plan" for the area of Pier 9 through 35 would have to be prepared and approved by the Commission before any non-maritime development of Pier 35, or any of the other piers in the area, could take place.

3. Use Pier 33. This would have none of the adverse impacts of the project as proposed. However, it is further away from the North Point Center than the project, and there is a serious question as to whether the circulation problem which would be aggravated by this alternative--the left turn from Bay Street across The Embarcadero into Pier 33--could be solved.

4. Use the Project Garage. Construction of the garage is already underway. As presently designed, it could not serve truck traffic as ceiling heights are too low and trucks could not load and unload from curbside without straddling the sidewalk, which is illegal in San Francisco.



To modify the garage to accommodate the service building and to use the adjacent seawall lot designated for a park use would require extensive remodeling and is not a feasible alternative. Furthermore, service and maintenance vehicles would have to cross The Embarcadero which could aggravate the circulation problem.

5. Other Inland Location. The service facility could be located at an inland site, but such a site would likely be further from the Pier 39 complex and thereby cause increased inconvenience to the merchants who would be located on Pier 39. An inland location would also require the project sponsor to acquire or otherwise secure for use a sizeable structure and area for the service facilities. However, an inland location would be more compatible with the policies of the Bay Plan and the McAteer-Petris Act which favor placing uses that do not need a waterfront site, such as the proposed service building and yard on existing land, not new fill, and at upland locations whenever possible. An upland location would also be consistent with the Special Area Plan No. 1 policy which indicates that views to the Bay should not be obscured. It would also then be possible to extend the park to the vicinity of Pier 35 which would increase public access to the Bay and improve shoreline appearance near Pier 35.

6. Move Service Building Next to Pier 35. This is technically feasible and would increase Bay views from The Embarcadero from 1,375 feet to 1,395 feet. It would also, however, eliminate the continuity of public access behind the building, which would otherwise be linked to The Embarcadero by a path and archway between the proposed building and Pier 35. (See Exhibits 2 and 3.)

E. The Relationship Between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity

No significant additional long-term productivity would be lost through this project. Implementation of the project as part of the Pier 39 complex would enhance public use of an area in which natural productivity was long ago disrupted.

F. Any Irreversible Environmental Change that Would be Involved in the Proposed Action Should it be Implemented

Although views for 250 feet along The Embarcadero would be lost, no other irreversible environmental changes will result from the action should it be implemented.

G. Growth Inducing Impact of the Proposed Action

No growth inducing impacts will result should the proposed action be implemented.

IV. Water Quality

BCDC approval of the proposed project does not require approval of the Regional Water Quality Control Board.

V. Sources

A. Agencies consulted include the following:

1. Port of San Francisco, Ferry Building, San Francisco -- contacts: Edward David, Charles Vickers and James Read;
2. Planning Department, City of San Francisco, 100 Larkin Street, San Francisco -- contacts: Rai Okamoto and Charles Gill;

B. Publications consulted included the following:

1. San Francisco Bay Plan, San Francisco Bay Conservation and Development Commission, November 1969.
2. Special Area Plan No. 1: San Francisco Waterfront, San Francisco Bay Conservation and Development Commission, December 1974, as amended January, 1977.
3. Final Environmental Impact Report Proposed North Point Park/Marina San Francisco, San Francisco Department of City Planning, August, 1976.

VI. Issues Raised

A. In his letter, dated July 3, 1978, Mr. David Dibble raised a number of issues and concerns with the Draft Environmental Impact Report (DEIR).

1. The view from the street level along The Embarcadero is also very important.

STAFF RESPONSE: The Final Environmental Impact Report (FEIR) notes this concern:

2. An alternative place in the City of San Francisco could be found for the service building.

STAFF RESPONSE: This has been noted in the alternatives found in the Final EIR.

3. This should be considered as a New Project for a warehouse (sic) and a truck depot on the Bay and a complete EIR should be submitted.

STAFF RESPONSE: CEQA guidelines allow the incorporation by reference of other environmental impact reports. This Final Environmental Impact Report (FEIR) does incorporate by reference the City of San Francisco's certified EIR for the Pier 39 development.

B. In its letter, dated June 22, 1978, Save San Francisco Bay Association raised a number of issues and suggested a number of changes in the Draft Environmental Impact Report (DEIR).



1. The number, size, type of vehicles to be stored and used, traffic generation, volume of materials to be stored; and the basis for the size of the building should be included in the Final Environmental Impact Report (FEIR).

STAFF RESPONSE: This information has been included in the FEIR.

2. Special Area Plan language regarding the enhancement of bay views should be included in the FEIR.

STAFF REPOSENSE: The Special Area Plan language has been included in Appendix D.

3. With regard to the passageway between the scenic building and Pier 35, this section should be expanded to discuss the potential problems of litter accumulation, wind and public safety.

STAFF RESPONSE: Agreed.

In its letter, dated June 16, 1978, the Telegraph Hill Dwellers' Association raised a number of issues, and suggested a number of changes in the Draft Environmental Impact Report (DEIR).

1. On page 2, C-1, the DEIR states that San Francisco's NE Waterfront Plan incorporated the North Point Center "including the storage building." As evidence, the DEIR submits Exhibit 4, which is referred to as a reproduction of page 16 of the City's Waterfront Plan.

Both statements are in error.

(a) Nowhere does the City's Waterfront Plan refer to the storage building.

(b) The DEIR's Exhibit 4, which indeed shows the service building, does not reproduce page 16 of the City's Waterfront Plan, as adopted 1/19/77.

We are attaching a copy of the actual page 16 of the City's Plan which does not include the service building (our Exhibit 1 a), together with a reproduction of the DEIR's Exhibit 4 (our Exhibit 1 b), for the sake of comparison."

STAFF RESPONSE: The FEIR has been corrected to reflect this error. The document originally circulated by the Department of City Planning in December 1976, does include the exhibit contained in the DEIR. The document adopted by the City Planning Commission contains a revised exhibit that shows the Building outline with no designation.

2. On page 3, III (Environmental Impact), the DEIR states that "the building yard will front The Embarcadero for about 100 feet, leaving views for about 1,375 feet. This is shown on Exhibit 6. Of this 1,375 feet, views from approximately 150 feet will be intermittently and partially obstructed by materials and equipment stored from time to time in the service yard."

Both the text and Exhibit 6 are incorrect.

We understand that the service yard will include a platform 3 to 4 feet above Embarcadero level, and will be screened with a fence of shrubbery to hide the equipment and 14 feet high trailer trucks. This is hardly intermittent and partial obstruction.

Exhibit 6 shows neither the platform nor the screening (250 feet). Instead, it includes a prominent view arrow where the yard will obstruct Bay views from The Embarcadero."

STAFF RESPONSE: The FEIR has been corrected to reflect this concern. The view arrow refers to the view corridor down Kearney Street which will not be blocked by the building or service yard.

3. On page 1, last line, the DEIR declares that it deal primarily with obstruction of views.

While this factor is crucial to any BCDC action, it is not the only significantly negative factor to be considered.

First and foremost the construction of projects on new fill must be water-oriented. No mention is made of this requirement, yet a storage building cannot possible be considered a water-oriented use, unless ancillary to a maritime operation.

STAFF RESPONSE: The Commission recognizes its permit responsibility and has the option to deny the project, even though it may choose to certify the EIR. Commission Regulations concerning water-oriented uses have been placed in the Final EIR, Appendix D.

4. Exhibit 7 purports to shows "The Embarcadero with or without the storage building and service yard."

Apart from the fact that the service yard is totally invisible on the reproduction, the photograph was taken from a seagull's point of view.

In order to really judge the negative impact of the storage building plus service yard, the photograph should have been taken from Embarcadero level. This would have shown a significant obstruction, contrary to BCDC and City Master plan policies.

Nowhere is there any mention of the cruise ships which would be blocked from The Embarcadero view by the storage building and service yard. As Exhibit 2 shows, ships on the west side of Pier 35 would not be visible from The Embarcadero, due to the pier's angle...

Exhibit 3 (elevation drawings does not show the service yard, nor its raised platform, nor the proposed fencing or shrubbery. It does, therefore, not provide a valid illustration of the service yard's effect on The Embarcadero. An elevation drawing should be included in the EIR."

STAFF RESPONSE: The photographs were taken from different locations on Telegraph Hill and from the roof of an existing garage across The Embarcadero from the project. It was not possible to take pictures from The Embarcadero due to the placement of construction materials and general construction in the area for a sewer. Possible view blockage of cruise ships has been noted in the FEIR.

The description of the service yard in the text is adequate in lieu of an elevation drawing.

5. "The DEIR is incomplete in listing and analyzing viable alternatives."

STAFF RESPONSE: The alternatives suggested have been discussed and incorporated into the FEIR.

C. In its letter, dated June 14, 1978, San Francisco Tomorrow asked the Commission to recognize its responsibility in precluding non-water related development from the waterfront.

D. The following comments on the DEIR was made during the public hearing before the Bay Commission on June 15, 1978.

1. Commissioner Hans Schiller said the mitigation measures, especially those related to architecture, would have an adverse impact, rather than mitigate the project. He suggested the elimination of the long portions of buildings parallel to the Bay and the retention of only the archways as historic symbols.

STAFF RESPONSE: Continuation of the existing architectural theme along the northeastern waterfront would not have an adverse impact per se. The adverse impact comes from the construction of the service building and service yard. Commissioners Schiller's suggestions have been included in the FEIR.

STAFF RESPONSE: The Commission recognizes its permit responsibility and has the option to deny the project, even though it may choose to certify the EIR.

#### VIII. Certification

The Final Environmental Impact Report, dated September 21, 1978, and supplementary materials, were certified by the San Francisco Bay Conservation and Development Commission were certified on \_\_\_\_\_ in its capacity as lead agency for the environmental assessment of the Northpoint Pier (Pier 39) Service Building and yard. This certification was based on the finding that the modified report complies with the California Environmental Quality Act of 1970, as amended, and the Secretary for Resources.











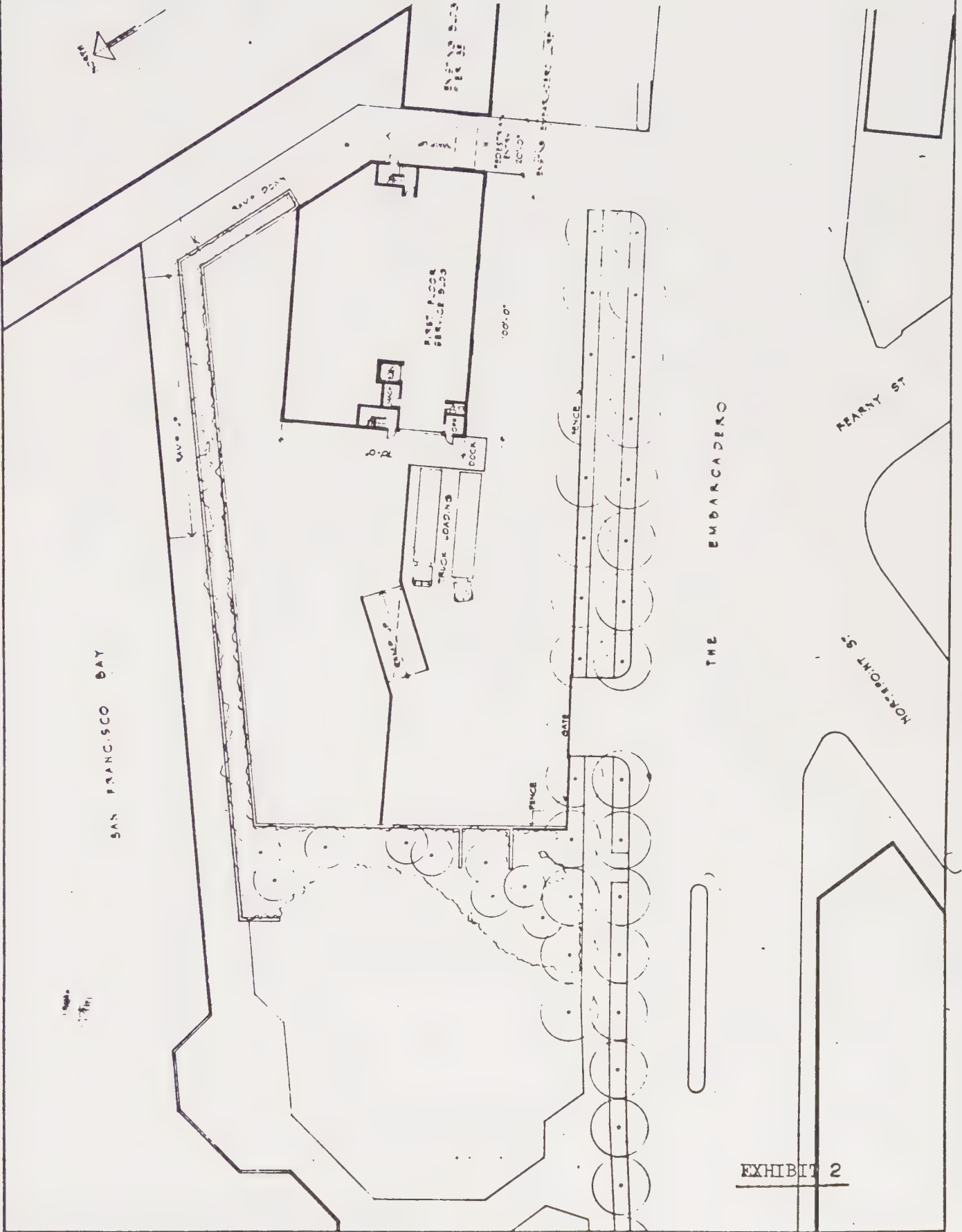
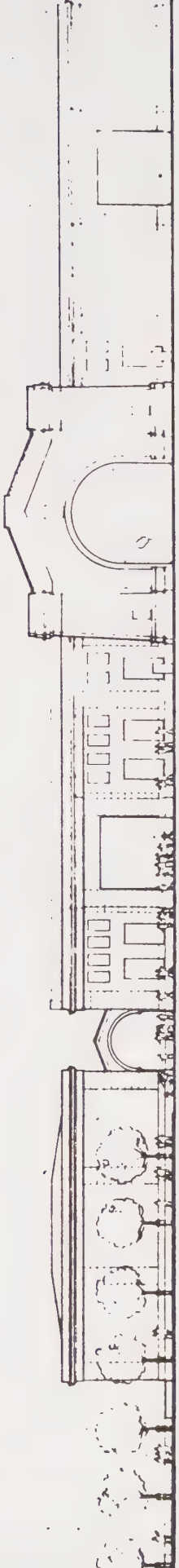
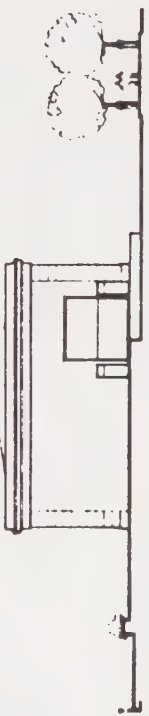


EXHIBIT 2

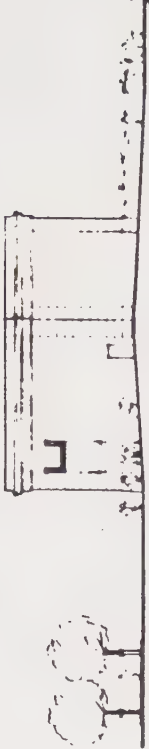




SERVICE BUILDING  
 NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION



SECTION

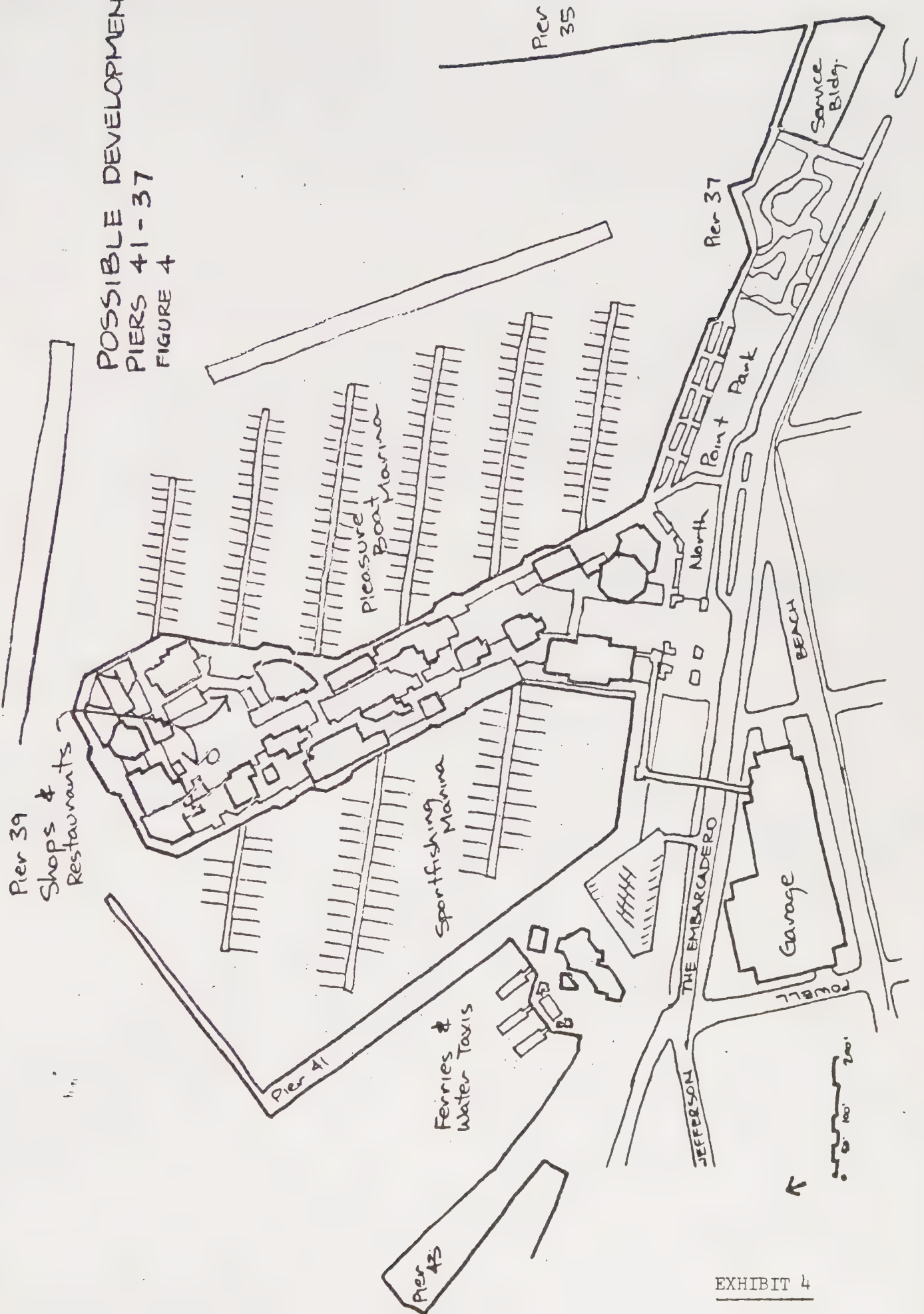


SOUTH ELEVATION





POSSIBLE DEVELOPMENT  
PIERS 41-37  
FIGURE 4





41

39

# VIEWS BEFORE PROJECT

37

35

EM

BARCA

DERO

KEARNY

BEACH

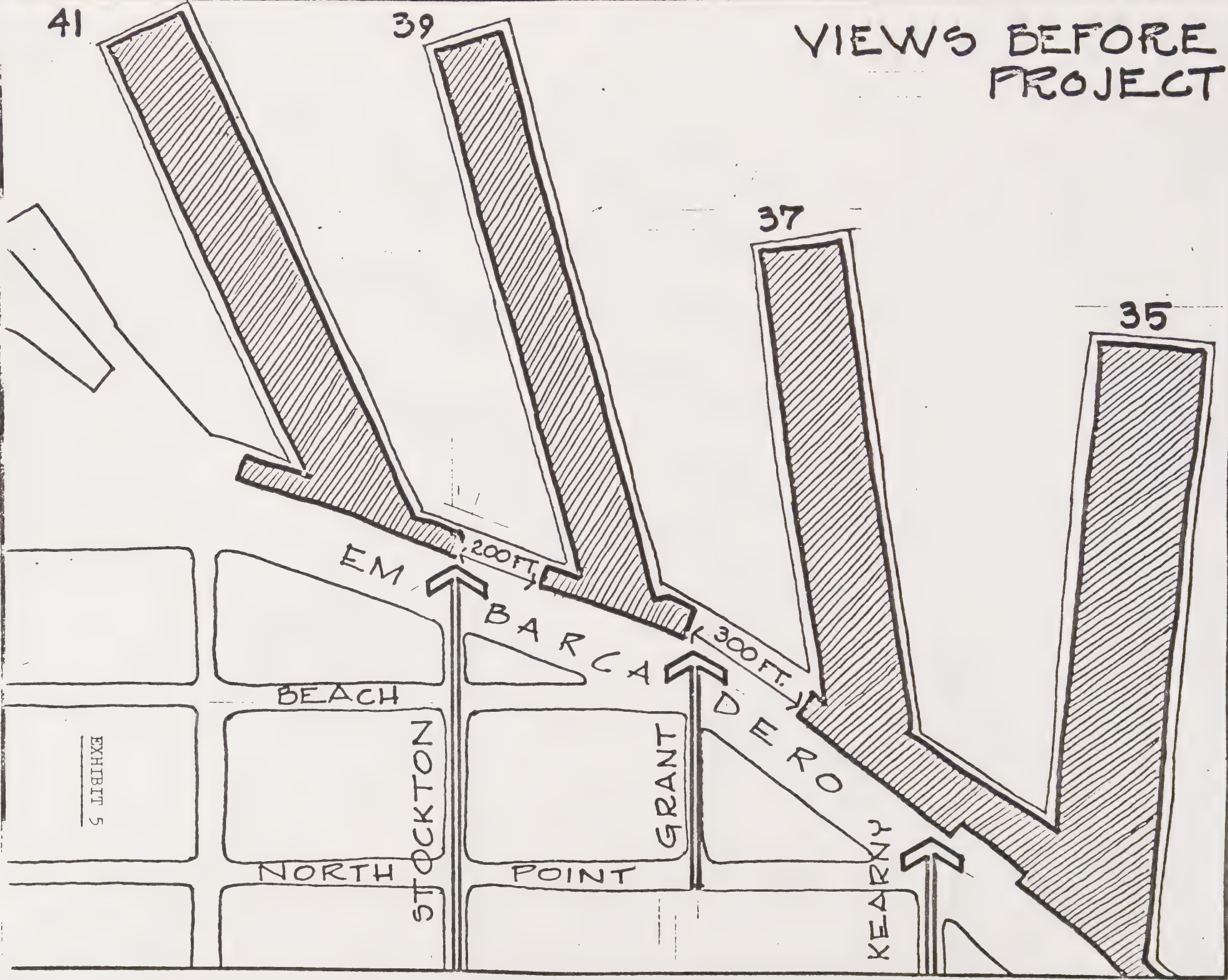
NORTH

STOCKTON

GRANT

POINT

EXHIBIT 5







# VIEWS AFTER PROJECT

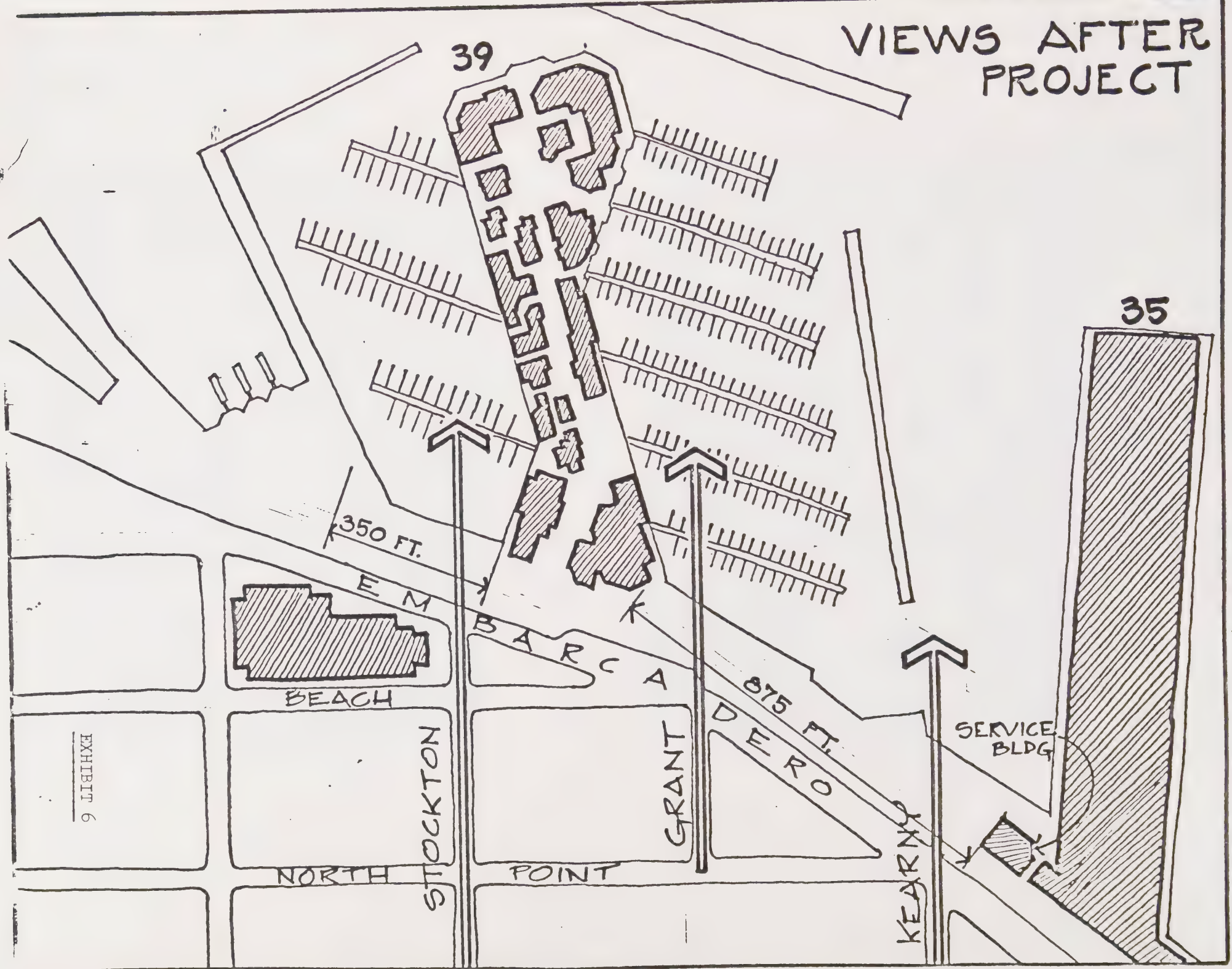


EXHIBIT 6





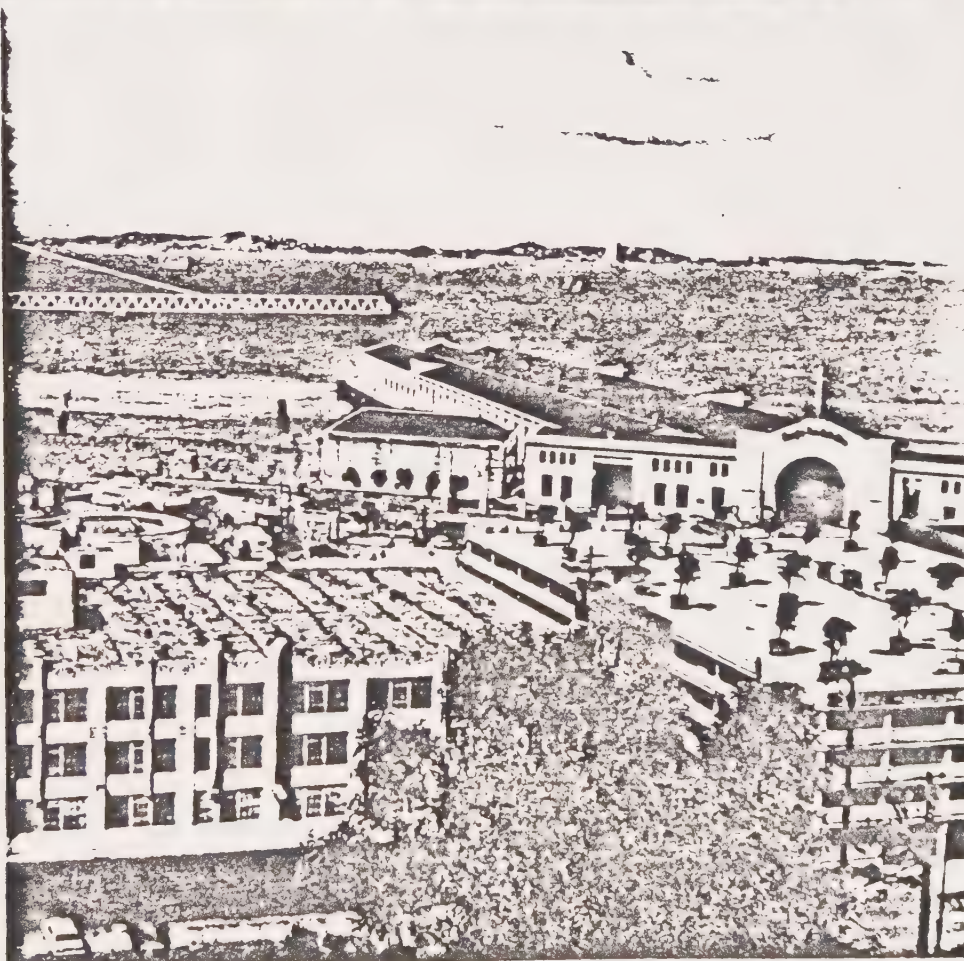
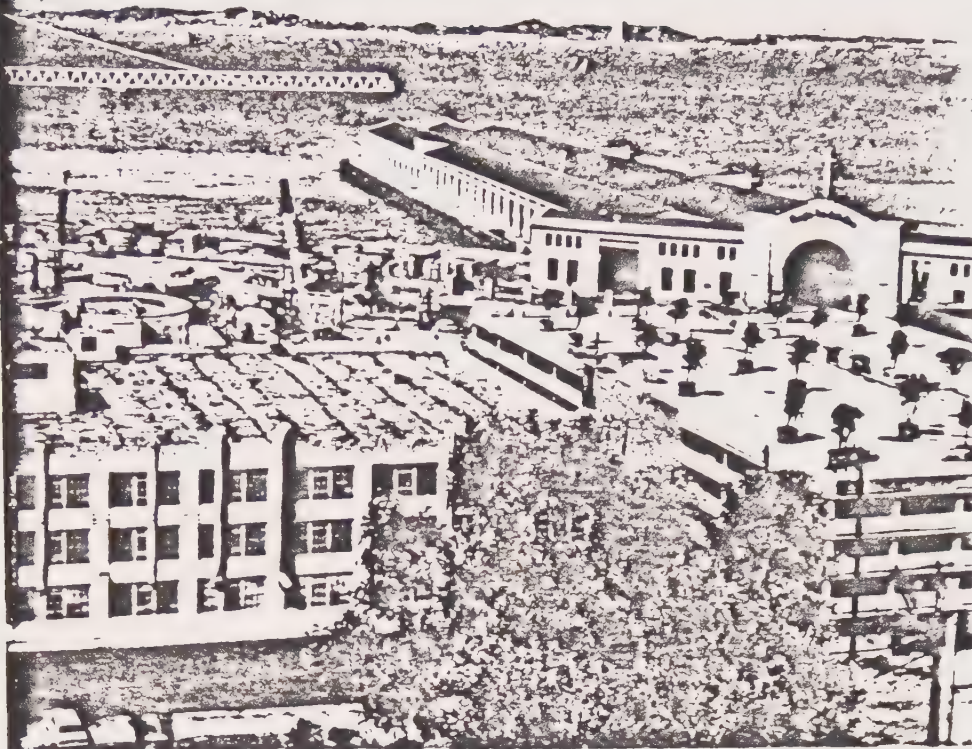


EXHIBIT 7



APPENDIX A  
DISTRIBUTION  
OF  
DRAFT ENVIRONMENTAL IMPACT REPORT



The following individuals or agencies were sent copies of the Draft  
Environmental Impact Report for review and comment:

San Francisco Planning and Urban Renewal Association, 126 Post Street,  
San Francisco, California 94108

The Crow's Nest, Pier 37, San Francisco, California 94133, Attn: Louis  
Magliulo

City and County of San Francisco, Department of Parks and Recreation,  
McLaren Lodge, Fell and Stanyan Streets, San Francisco, California 94143

San Francisco Tomorrow, Nine First Street, San Francisco, California 94105

California Art Commission, 165 Grove Street, San Francisco, California 94102

Gregory E. Jones, Attorney at Law, 646 Van Ness Avenue, San Francisco,  
California 94102

City and County of San Francisco, Planning Commission, 100 Larkin Street,  
San Francisco, California 94102

Port of San Francisco, Ferry Building, San Francisco, California 94111,  
Attn: Port Commission

Anne Halstead, President, Telegraph Hill Dwellers' Association, 200  
Francisco Street, San Francisco, California 94133

Save San Francisco Bay Association, P. O. Box 925, Berkeley, California 94701

Northern California Ports and Terminals Bureau, c/o Port of Oakland, 66  
Jack London Square, Oakland, California 94607

Don Maskell, Pier 35, San Francisco, California 94133

State Lands Commission, State Lands Division, 1807 - 13th Street,  
Sacramento, California 95814

David Dibble, 28 Alta Street, San Francisco, California 94133

City and County of San Francisco, Planning Department, 100 Larkin Street,  
San Francisco, California 94102, Attn: Selina Bendix

City and County of San Francisco, City Hall, San Francisco, California 94102,  
Attn: Mayor's Office

Port of San Francisco, Ferry Building, San Francisco, California 94111,  
Attn: Ed David





APPENDIX B

COMMENTS RECEIVED FROM REVIEWING AGENCIES





EDMUND G. BROWN JR.  
GOVERNOR

# State of California

GOVERNOR'S OFFICE  
OFFICE OF PLANNING AND RESEARCH  
1400 TENTH STREET  
SACRAMENTO 95814  
(916) 445-0613

July 25, 1978

RECEIVED  
JUL 27 1978

SAN FRANCISCO BAY CONSERVATION  
& DEVELOPMENT COMMISSION

Michael Wilmar  
Bay Conservation & Development Comm.  
30 Van Ness Avenue  
San Francisco, CA 94102

SUBJECT: SCH# 76062820 - NORTHPOINT PIER MAINTENANCE  
BUILDING

Dear Mr. Wilmar:

The State Clearinghouse submitted the above listed environmental document to selected State agencies for review. The review is complete and none of the State agencies have comments.

This letter verifies your compliance with environmental review requirements of the California Environmental Quality Act.

Thank you for your cooperation.

Sincerely,

Deni Greene  
Director  
State Clearinghouse

DG/ddt







DEPARTMENT OF THE ARMY  
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS  
211 MAIN STREET  
SAN FRANCISCO, CALIFORNIA 94105

File 22-76  
ER file

SPNED-E

7 July 1978

Mr. Ed Dielski  
San Francisco Bay Conservation  
and Development Commission  
30 Van Ness Avenue  
San Francisco, CA 94102

RECEIVED

SAN FRANCISCO BAY CONSERVATION  
& DEVELOPMENT COMMISSION

Dear Mr. Dielski:

Please refer to your telephone conversation of 14 June 1978 with Barney Lewis of the Regulatory Functions Branch requesting comments on the Northpoint Pier: Storage Building & Service Yard Environmental Impact Report.

According to 33 U.S.C. 59h, the site of the proposed service building is in an area that has been declared non-navigable waters, and a Department of the Army permit is not required; however, according to the statute the plans must be approved by the Corps of Engineers on the basis of engineering studies to determine structural stability, since the building would be pile-supported. Since the proposed project would occur on Port of San Francisco property, the Port would also review the plans (see the inclosed "Memorandum of Understanding" between the Corps and the Port).

Thank you for the opportunity to review the report.

Sincerely yours,

R. C. Riddle  
Acting Chief, Engineering Division

1 Inclosure  
As stated

Copy furnished:  
Mr. Thomas Soules, Port Director  
Port of San Francisco, Ferry Bldg.  
San Francisco, CA 94111 w/incl



## MEMORANDUM OF UNDERSTANDING

1. The following Memorandum of Understanding is entered into between the Port of San Francisco (hereinafter the "Port") and the U. S. Army Engineer District, San Francisco, Corps of Engineers (hereinafter the "Corps") and concerns the procedures which the parties hereto shall follow with respect to proposed work which may occur in the area of the San Francisco waterfront to which 33 U.S.C. 59h applies.
2. The provisions of this Memorandum shall apply to the portions of the San Francisco waterfront to which 33 U.S.C. 59h applies.
3. Before commencing or causing to be commenced any work in the areas described in paragraph 2 herein, the Port shall request that the Corps make the determination to which paragraph 4 herein refers and shall submit to the District Engineer, ATTN: Regulatory Functions Branch, such plans, specifications, and calculations as shall be necessary to make such determinations.
4. After review of the documents submitted pursuant to paragraph 3 above, the District Engineer shall determine: (a) whether the proposed work, or any portion thereof, requires approval of plans pursuant to 33 U.S.C. 59h; (b) whether the proposed work, or any portion thereof, requires Corps authorization pursuant to any other Federal statute; or (c) whether the proposed work, or any portion thereof, requires no authorization or approval from the Corps.
5. In the event that the District Engineer determines that the proposed work, or any portion thereof, requires approval of plans pursuant to 33 U.S.C. 59h, the District Engineer shall so inform the Port, and the Port shall submit to the District Engineer, ATTN: Chief, Engineering Division, such documents, in addition to those submitted pursuant to paragraph 3 above, as shall be necessary for the Corps to determine the location and structural stability of the proposed work. The documents submitted pursuant to this paragraph shall include those documents pertaining to the Port's own review of the proposed work's structural stability. The Port shall reimburse the Corps, or cause the Corps to be reimbursed, for any engineering costs incurred pursuant to this paragraph. If the Port desires an estimate of the engineering costs which the Corps expects to incur pursuant to this paragraph, it shall request such an estimate at the time it submits the documents to which this paragraph refers. The Corps shall provide the Port such an estimate within fifteen (15) days of receiving such request. The Port may make such arrangements as it deems appropriate with persons who are not parties to this Memorandum for reimbursement to the Corps of engineering costs which the Corps incurs pursuant to this paragraph.


6. In the event that the District Engineer determines that the proposed work, or any portion thereof, requires Corps authorization pursuant to any Federal statute other than 33 U.S.C. 59h, the District Engineer shall so inform the Port, and the Port shall submit an application for such authorization.


7. In the event that the District Engineer determines that the proposed work, or any portion thereof, requires no Corps approval or authorization, he shall so inform the Port.

8. The Port shall not issue any building permits for work in the area to which paragraph 2 herein refers until the District Engineer makes the determinations for which paragraph 4 herein provides. If the District Engineer determines that the proposed work requires Corps approval or authorization pursuant to paragraphs 5 or 6 herein, the Port shall condition any such building permit upon the receipt of appropriate Corps approval or authorization.

PORT OF SAN FRANCISCO

CORPS OF ENGINEERS

  
THOMAS SOULES  
Port Director

  
H. A. FLERTZHEIM, JR.  
Colonel, Corps of Engineers  
District Engineer  
San Francisco District

Date: 7/21/76

Date: 16 August 76



DAVID DIBBLE  
ATTORNEY AT LAW  
28 ALTA STREET  
SAN FRANCISCO, CALIFORNIA 94133

RECEIVED  
JUL 3 1978  
SAN FRANCISCO BAY CONSERVATION  
& DEVELOPMENT COMMISSION

3 July 1978

San Francisco Bay Conservation and Development Commission  
30 Van Ness Avenue  
San Francisco, California 94102

Gentlemen,

I have reviewed the Draft EIR of May 17, 1978 and find it incomplete in respects and I would like to have some comments recorded.

The fact that a fire destroyed buildings and part of the piers between piers 41 and 35 giving us the present view of the bay should not be considered as a reason for lightly sacrificing this newly acquired view for the public.

The developer has concentrated on views from high up on Telegraph Hill and view corridors along streets. The view from the street level along the Embarcadero is also very important.

The addition of a neo-classical building extending the facade of Pier 35 would interfere with the plans for development of Pier 35 and lock it into its present form for another 60 years.

As to alternatives the report does not consider the fact that, while a warehouse and truck depot may be a profitable project for the developer, he has the entire city as an alternative place to store goods destined for his shops and restaurants. Every business on the bay front might like to have truck parking and warehousing on filled land convenient to the business but that is not the bay plan.

The fact that the developer and the Port of San Francisco made a lease for this portion of the plan without letting the public or the BCDC know exactly how it would be used is no good reason for going along with this non disclosure pattern and making it a precedent for future developers. This should be considered as a New Project for a warehouse and truck depot on new fill on the Bay and a complete EIR should be submitted.

Yours truly

  
David Dibble

PS Enclosed are 6 recent photos showing the views of ships which would be blocked.









PORT OF  
FERRY BUILDING



CITY OF SAN FRANCISCO

GEORGE R. MOSCONE, MAYOR

SAN FRANCISCO

SAN FRANCISCO, CALIFORNIA 94111 • TEL: (415) 391-8000

June 27, 1978

RECEIVED  
JUN 30 1978

San Francisco Bay Conservation  
and Development Commission  
30 Van Ness Avenue  
San Francisco, CA. 94102

SAN FRANCISCO BAY CONSERVATION  
& DEVELOPMENT COMMISSION

Attention: Mr. Charles R. Roberts  
Executive Director

Gentlemen:

Subject: Draft Environmental Impact Report; Northpoint  
Pier Maintenance Building and Service Yard.  
Application for Amendment 1 to B.C.D.C. Permit  
No. 22-76

---

Thank you for the opportunity to respond to this Draft Environmental Impact Report.

Northpoint Pier has a two year lease with the Port of San Francisco to occupy storage space on Pier 35. Pier 35 may be developed in the future and the Port Commission did not want to give Northpoint Pier, Inc. a longer lease because of future development or redevelopment plans.

The Port staff agrees that a storage facility is needed by Northpoint Pier, Inc. and believes that the storage building on Pier 35-Pier 37 bulkhead could be made compatible with Pier 35 facade.

Yours very truly,

A handwritten signature in dark ink, appearing to read "E. L. David".  
E. L. David  
Acting Port Director

CLV:fa





**RECEIVED**  
Save San Francisco Bay Association  
JUN 23 1978  
Berkeley, California 94701 • (415) 849-3053 • 848-2078

**SAN FRANCISCO BAY CONSERVATION  
& DEVELOPMENT COMMISSION**

June 22, 1978

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TO: San Francisco Bay Conservation and Development Commission

RE: Draft Environmental Impact Report, Northpoint Pier:  
Storage Building and Service Yard, May 17, 1978 (BCDC)

The Association appreciates this opportunity to respond to the Draft EIR. Our comments follow the EIR section headings:

I. Project Description

The Association believes that this section should include information about:

the number, size, and type of vehicles to be stored and used;

traffic generation (number of trips per day, principal hours of the day); and

volume of materials to be stored (what is the basis for the size of the building?).

III. Environmental Impact

Since the Special Area Plan requires the enhancement of Bay views, this should be specifically noted in the EIR.

With regard to the passageway between the service building and Pier 35, this section should be expanded to discuss the potential problems of litter accumulation, wind, and public safety.

Without additional project information as outlined above, it is impossible for the Association to evaluate the environmental impact of the proposal or the feasibility of alternatives.





6/15/1978

Mr. Charles Roberts, Executive Director  
BCDC  
30 Van Ness Avenue  
San Francisco, CA 94102

RE: DEIR: NORTHPOINT BUILDING AND SERVICE YARD, Application for Amendment 1 to BCDC Permit 22-76.

Dear Mr. Roberts,

Thank you for sending us the DEIR and inviting our comments.

Unfortunately, we find substantial errors and omissions in the DEIR. We would like to submit our comments for inclusion in the record and for consideration by the BCDC Staff and Commission.

#### A. ERRORS

##### (I)

On p.2,C.1, the DEIR states that San Francisco's NE Waterfront Plan incorporated the North Point Center "including the storage building". As evidence, the DEIR submits Exhibit 4, which is referred to as a reproduction of p.16 of the City's Waterfront Plan.

Both statements are in error.

(a) Nowhere does the City's Waterfront Plan refer to the storage building.

(b) The DEIR's Exhibit 4, which indeed shows the service building, does not reproduce p.16 of the City's Waterfront Plan, as adopted 1/19/1977.

We are attaching a copy of the actual p.16 of the City's Plan which does not include the service building (our Exhibit 1 a), together with a reproduction of the DEIR's Exhibit 4 (our Exhibit 1 b), for the sake of comparison.

##### (II)

On p.3. III (Environmental Impact), the DEIR states that "the building yard will front The Embarcadero for about 100 ft., leaving views for about 1,375 ft. This is shown on Exhibit 6. Of this 1,375 ft., views from approximately 150 ft. will be intermittently and partially obstructed by materials and equipment stored from time to time in the service yard."

Both the text and Exhibit 6 are incorrect.

We understand that the service yard will include a platform 3-4 ft. above Embarcadero level, and will be screened with a fence of shrubbery to hide the equipment and 14 ft. high trailer trucks. This is hardly intermittent and partial obstruction.

Exhibit 6 shows neither the platform nor the screening (250 ft.). Instead, it includes a prominent view arrow where the yard will obstruct Bay views from the Embarcadero.

organized to perpetuate the historic traditions of san francisco's telegraph hill and to represent the community interests of its residents and property owners.

## B. OMISSIONS

(I)

### Water-Oriented Uses

On p.1, last line, the DEIR declares that it deals primarily with obstruction of views.

While this factor is crucial to any BCDC action, it is not the only significantly negative factor to be considered.

First and foremost the construction of projects on new fill must be water-oriented. No mention is made of this requirement, yet a storage building cannot possibly be considered a water-oriented use, unless ancillary to a maritime operation.

(II)

### Views

1) Exhibit 7 purports to show "The Embarcadero with or without the storage building and service yard."

Apart from the fact that the service yard is totally invisible on the reproduction, the photograph was taken from a seagull's point of view.

In order to really judge the negative impact of the storage building plus service yard, the photograph should have been taken from Embarcadero level. This would have shown a significant obstruction, contrary to BCDC and City Masterplan policies.

2) Nowhere is there any mention of the cruise ships which would be blocked from the Embarcadero view by the storage building and service yard. As Exhibit 2 shows, ships on the west side of Pier 35 would not be visible from The Embarcadero, due to the pier's angle.

In this connection it should be noted that the City's Masterplan includes as an objective to retain existing maritime and maritime-related activities, particularly at Pier 35 (page 19, B).

3) Exhibit 3 (elevation drawings) does not show the service yard, nor its raised platform, nor the proposed fencing or shrubbery. It does therefore not provide a valid illustration of the service yard's effect on The Embarcadero. An elevation drawing should be included in the EIR.

4) In order to visualize the impact of the storage building plus service yard in relation to The Embarcadero, it might be useful to compare their 250 ft. obstruction with the following well known structures:

The façade of the Public Library is 200 ft. long, that of the State Building 300 ft

(III)

### ALTERNATIVES

The DEIR is incomplete in listing and analyzing viable alternatives.

1) The Garage (DEIR, p.4,D)

When the developer asked for space on Pier 35, his main argument was that 20,000 square ft. would amount to only 10 % of the 200,000 square ft. pier area.

The garage will have a floor space estimated at above 300,000 square ft. Applying the same logic, a 20,000 square ft. storage area would constitute only 6.7% of the garage floor space. Using part of the garage for storage would mean a sacrifice of about 55 parking spaces (out of over 960).

While ceiling heights, as planned, would indeed preclude 14 ft. high trailers, it should be architecturally quite feasible to set aside a small section of the garage with increased ceiling heights, without significantly disturbing the main function of the structure as a garage.



This solution would work well in connection with the use of Seawall Lot 312 as a service yard. This lot is presently designated as a park. However, this "park", surrounded by streets with heavy traffic on all 3 sides, is of questionable value

If the storage facility were located in the garage, and Seawall Lot 312 used as a service yard, a much larger area west of Pier 35 (where the applicant now wants to locate these facilities) would become available for a prime extension of the project's bay-related park along The Embarcadero, and for viewing maritime activities at Pier 35, eliminating the proposed view blockage.

An additional benefit of this alternative would be the proximity of storage and service yard to Pier 39, eliminating the substantial traffic that the requested location near Pier 35 would generate.

## 2) Pier 33 (DEIR p.4,C)

The DEIR questions whether the left-turn from Bay Street across The Embarcadero would be solved. The developer himself has stated in the past that it could not. Actually, one additional traffic light might very well solve this problem.

The DEIR does not mention that Pier 33 is already half in warehousing use. It could therefore be approved for Northpoint Pier storage without any additional BCDC action. Furthermore, it has a large parking area, suitable for storage traffic.

Most significantly, the developer himself has changed his mind about the traffic situation and has requested use of Pier 33 for a period of 8 months for uses incidental to the construction of his project ( Our Exhibit 2)

If Pier 33 is accessible to heavy construction traffic from Pier 39, it would be equally accessible for the lighter storage and maintenance traffic.

Storage facilities on Pier 33, in combination with a service yard on Seawall Lot 312, would be another viable alternative.

## 3) Other Inland Locations

Many businesses find it possible to use storage facilities at considerable distances from their operations. There is no reason why the Northpoint Pier development could not do likewise.

If the developer finds it feasible to ask for a location as far from Pier 39 as the pending application proposes, he would also be able to locate his facilities elsewhere inland. This viable alternative is not mentioned in the DEIR, yet a representative of the developer himself recently acknowledged its feasibility. At a Port Commission hearing of April 26, 1978, Mr. Rudy, attorney for the developer, replied to a question of Commissioner Goldman:

"If we get turned down by BCDC, that will be our problem. We might have to go and buy another piece of land, less convenient. We have the problem. I am saying that we are not irresponsible people. We know we are going to be out of Pier 35. We expect to get location approval from BCDC. If we don't, we are going to have to put it elsewhere."  
(Port Commission Minutes, p.62)

(Emphasis ours)

(IV)

CONFLICTS WITH STATE LAW AND CITY MASTERPLAN

The DEIR fails to include mention of any conflicts between the proposed facilities on new fill and pertinent laws, as well<sup>as</sup> the City Masterplan.

1. Neither the storage building nor the service yard are water-related.
2. The following excerpts are pertinent in documenting further significant conflicts (\*) :

a) McAteer Petris Act. Sec.66605 b

"Fill in the Bay for any purpose should be authorized only when no alternative upland location is available for such purpose."

b) Bay Plan

a(5)(h): "Bay-oriented commercial recreation and Bay-oriented public assembly, defined as facilities specifically designed to attract large numbers of people to enjoy the Bay and its shoreline, such as restaurants, specialty shops, and hotels."

Page 33, Policy 1: "Maximum efforts should be made to provide, enhance, or preserve views of the Bay from public areas."

c) Special Area Plan 1, as amended

Piers 37-41, page 30, Policy 3 : "Any development on the shoreline, on existing piers or on replacement fill, should open to the public exceptional views of the Bay from this location."

View Corridors, page 16: "Important Bay views along the Embarcadero and level inland streets should be preserved and improved."

d) San Francisco Masterplan for NE Waterfront

Urban Design Policy 5 (a), page 11 : "Permit non-maritime development Bayward of the sea wall only if....(b) Important Bay views along the Embarcadero and level inland streets are preserved and improved."

Thanking you for the opportunity to comment on the DEIR, we would like to request that the above corrections and additions be included in the EIR and submitted to the Commission for consideration.

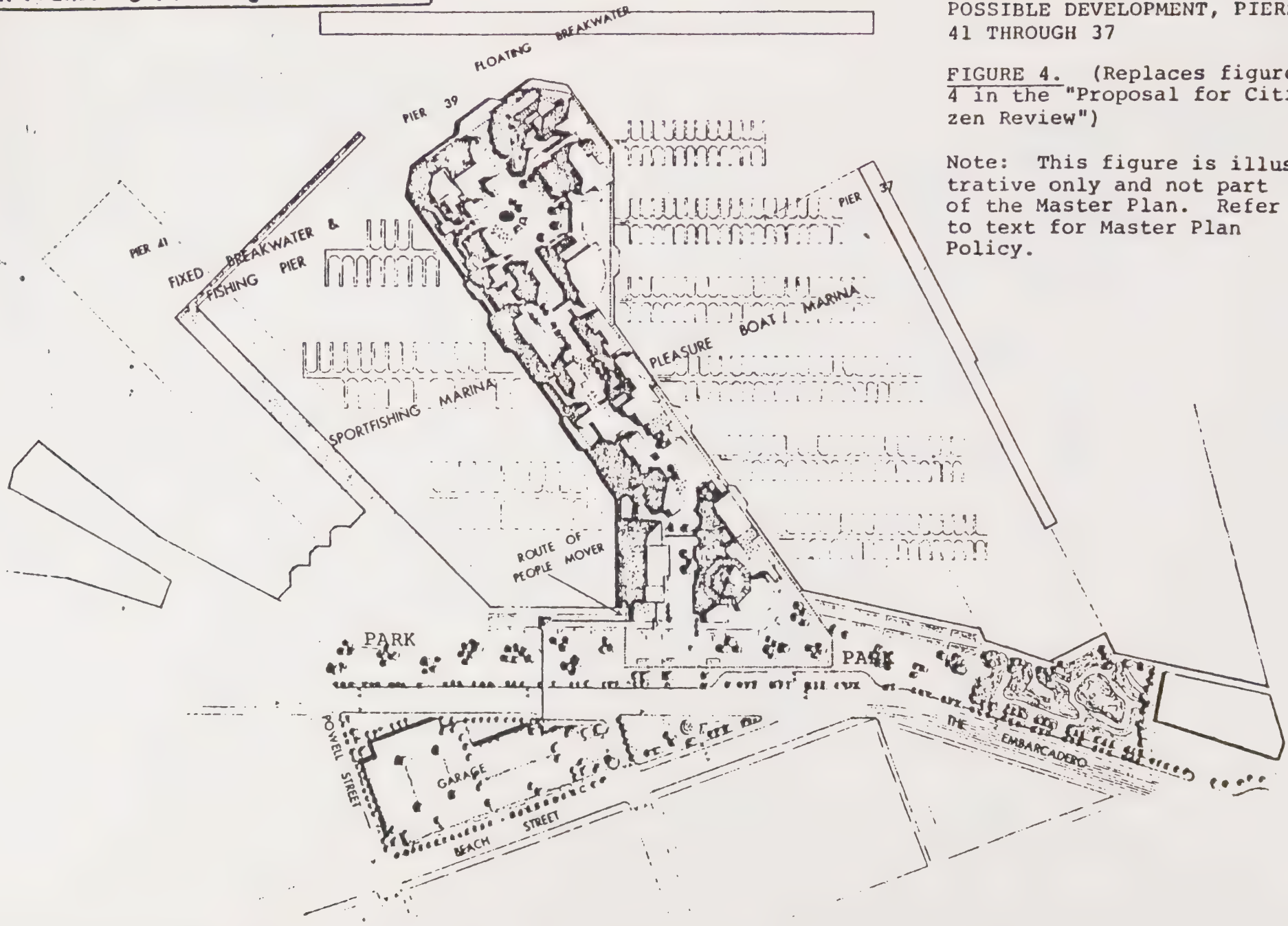
Sincerely,



Anne Halsted, Pres. THD  
1308 Montgomery Street  
San Francisco, CA 94133

P.S.: We would also like to ask that the hearing of June 15th be continued to a subsequent meeting so that San Franciscans who cannot come to Richmond may have an opportunity to testify in their own city about one of San Francisco's major developments.

(\*) The emphasis in all above quotes is ours.



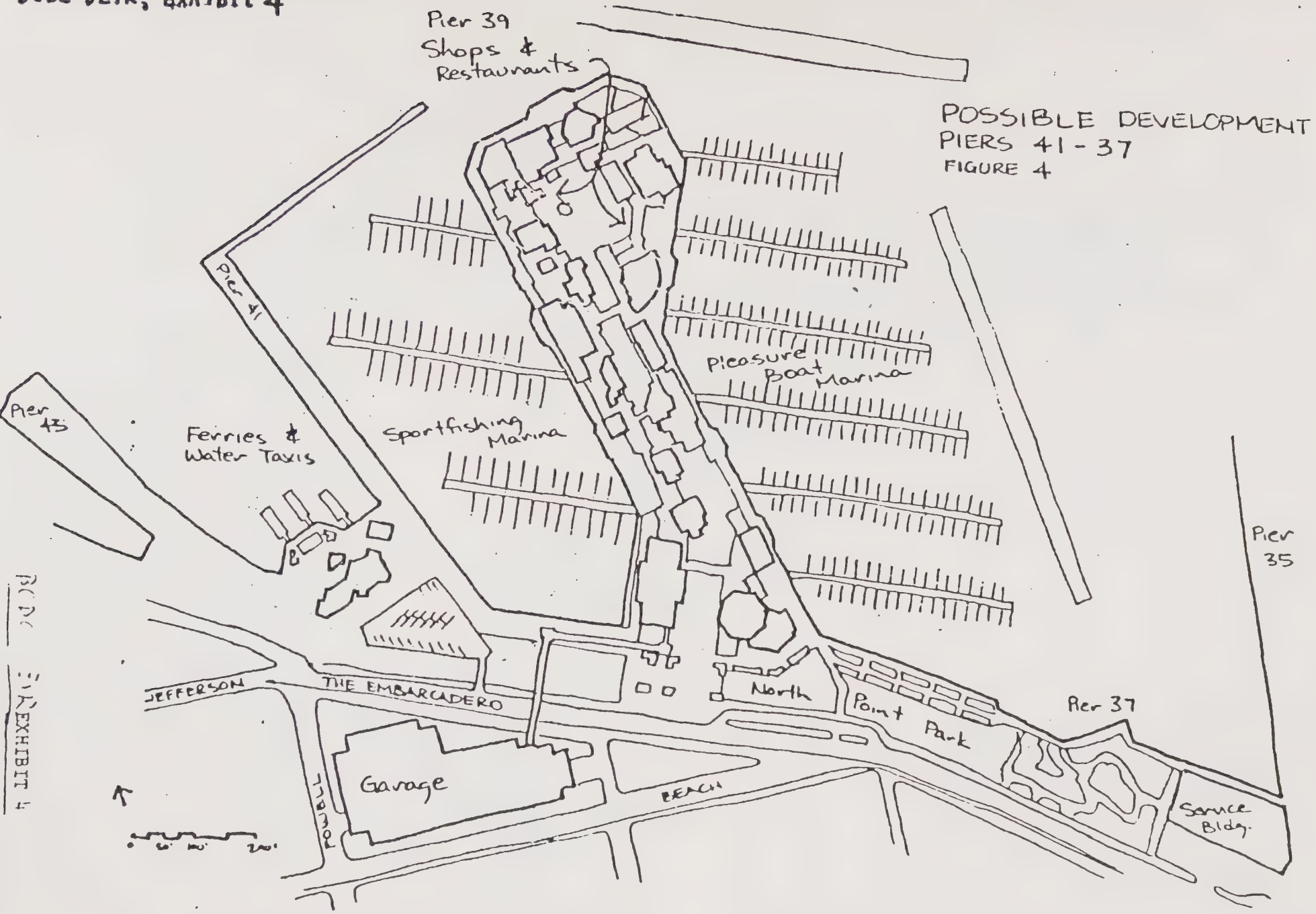
POSSIBLE DEVELOPMENT, PIERS  
 41 THROUGH 37

FIGURE 4. (Replaces figure  
 4 in the "Proposal for Citizen  
 Review")

Note: This figure is illus-  
 trative only and not part  
 of the Master Plan. Refer  
 to text for Master Plan  
 Policy.



BCDC  
EXHIBIT 4



June 14, 1978

Mr. Charles Roberts  
Executive Director  
Bay Conservation and Development Commission  
30 Van Ness Avenue  
San Francisco, CA 94102

Re: Draft EIR - Northpoint  
Maintenance Bldg. and  
Service Yard

Dear Mr. Roberts:

San Francisco Tomorrow asks that in reviewing the draft EIR for the Northpoint maintenance building and service yard you recognize your responsibility to preclude non-water-related development on the waterfront. It is clear to us that the construction of a service building and parking lot at the water's edge, cutting off views from the Embarcadero, would be inappropriate legally and resource-wise.

Sincerely,



Diane Hunter  
Acting President  
San Francisco Tomorrow







THD EXHIBIT 2

May 8, 1978

Mr. Edward David, Acting Director  
Port of San Francisco  
Ferry Building  
San Francisco, CA 94111

Re: Temporary Use of Pier 33  
for North Point Pier Construction  
(A/B 9900/33)

Dear Mr. David:

The developer of the North Point Pier Project, Mr. Warren Simmons, has requested authorization for the temporary use of portions of Pier 33, located in a M-1 Zoning District, for the storage of materials related to the construction of his project. Pursuant to Sections 119 and 119.2(a) of the San Francisco City Planning Code, I hereby authorize the use of portions of Pier 33 for uses incidental to the construction of the North Point Pier Project for a period not to exceed eight months from the date of this letter.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Spencer Steele".

R. Spencer Steele  
Zoning Administrator

cc: Mr. Charles Roberts, BCDC  
Mr. Martin Snipper, Art Commission  
Mr. Warren Simmons



APPENDIX C

TRANSCRIPT OF COMMENTS MADE  
AT  
COMMISSION MEETING





COMMISSION MINUTES OF JUNE 15, 1978 MEETING

(Excerpt)

9. Public Hearing on a Draft Environmental Impact Report. The Commission will receive comments on the Draft Environmental Impact Report prepared by BCDC staff on Application for Amendment No. 1 to Permit No. 22-76, submitted by North Point Pier, Inc. The amendment requests authorization for a 7,000-square-foot maintenance building on 50 piles and an adjacent service yard proposed to be constructed on the San Francisco waterfront near Pier 35. The building and yard would serve a commercial recreation facility authorized by Permit No. 22-76 under construction at Piers 39 and 41, not far from Fisherman's Wharf. The draft environmental document was prepared by staff on behalf of the Commission, lead agency for the project described on the amendment request. The draft report analyzes the likely effects on the environment of the proposed work and uses. Testimony from the public may be presented at the public hearing or in writing to the Commission. At a subsequent hearing, after the public hearing is closed and the period for receiving written comments has passed, staff will prepare responses to comments received and complete a Final Environmental Impact Report for Commission consideration and possible certification.

Michael B. Wilmar, BCDC Deputy Director, said BCDC issued Permit No. 22-76 to Warren Simmons in December, 1976. Subsequently, a question arose regarding whether or not a service building and service yard development proposal at Pier 35 were submitted for that permit authorization. Staff found that after reviewing its files this particular structure was not included in the permit. The developer disagreed then, and continued to disagree. However, staff persuaded the developer that, in any case, it would be in his best interest, legally, to proceed with an Environmental Impact Report (EIR).

Mr. Wilmar said the EIR had been circulated both by BCDC staff and through the State Clearinghouse. The review period for the Clearinghouse would end July 1, and BCDC's review period, July 3. Written comments would be accepted up to those dates. He said BCDC staff intended to present the final EIR to the Commission for action on July 20.

Mr. Wilmar said this project was part of the larger North Point Pier development project. He said the proposed building would be rather large, and would block views from the Embarcadero, but staff believed this must be considered in the context of circumstances prior to construction of the North Point project. The impact must, also, be looked at with regard to the views that would remain even with construction of the building. Specifically, he said that prior to construction of the North Point project there was only 500 feet of view from Piers 35-41, 200 feet between Piers 41-39, 300 feet between Piers 39 and 37, and no view between Piers 35 and 37. He said views increased substantially to 1475 feet as a result of North Point project construction, which involved demolition of several piers. The

particular part of the project before the Commission today would use up about 250 feet of view, leaving 1225 feet of new views. One hundred feet would be entirely blocked and about 150 feet would be partially blocked by the service yard and storage building. Mr. Wilmar then summarized the DEIR.

Commissioner Schiller said he thought the mitigation measures, at least the first for the type of architecture, would have an adverse impact rather than mitigate the project. Noted architectural critic, Alan Tenko, recently attacked the use of the Beaux Arts style of architecture as antiquated, and he agreed. He suggested that both the Special Area Plan for the San Francisco waterfront or the Bay Plan address the matter of design. He would like to see eliminated the long portions of buildings parallel to the Bay retaining only as historic symbols the archways.

Chairman Houghteling said Commissioner Schiller's remarks would be suggested as a comment on the Draft Environmental Impact Report (DEIR), to which staff would respond.

Commissioner Eastman asked why the developer could not use Pier 35 for this proposed work. Mr. Wilmar replied the Port of San Francisco would not lease this pier to the developer. This was somewhat complex in that the Port was, he noted, co-applicant for this amendment.

Robert Katz, Telegraph Hills Dwellers Association, distributed a written statement to the Commissioners. He said he wished to clear up a misconception. It had been said that the Association had continuously found fault with, and opposed, this project. On the contrary, the Association felt that failure of this project, now, would be bad for both the City and the neighborhood. The Association wanted the project to succeed. The Association did maintain, however, that full disclosure had not been forthcoming in relation to the North Point project. Such development as that under consideration today should not come to the Commission after approval of the larger project. It was important that BCDC act to insure that this developer--and any other--submit all major parts of a project beforehand.

Mr. Katz said he also took issue with the developer's claim of a one million dollar cost overrun, attributed to the Association's opposition to the project. He questioned the amount of such an overrun, and whether Telegraph Hills Dwellers had anything to do with it. He said at issue, in fact, was what could be approved under state law.

Mr. Katz continued that, moreover, the storage building was not a new plan, and the Association found other substantial errors and omissions in the EIR; they were described in detail in his written statement.

Chairman Houghteling asked staff to address the issues raised by Mr. Katz's oral and written testimony, in the final EIR.

Mr. Katz stated what he felt to be several more important points at issue. He noted that the Special Area Plan designates Pier 35 for retention as a passenger terminal. There was also a question of potential fill. He said Telegraph Hills Dwellers believed the North Point project would not be dealt an irreparable blow if this portion was denied, as submitted.

Other alternatives were available, and if this application for amendment were denied, the developer would be responsible for finding a location elsewhere. The applicant's difficulties must be considered, but he felt the applicant had been less than candid about these in the past. He cited, as an example, the applicant's complaint about a no left turn signal which precluded his use of Pier 33. And yet a few weeks prior to this meeting the applicant requested use of that pier.

Mr. Katz said it was, also, important not to confuse what existed prior to the fire at Pier 37 and the open area that existed now. He said the latter represented the alternative to construction, not the previous configuration at the pier.

David Dibble, Telegraph Hill resident, said Diane Hunter, Acting President of San Francisco Tomorrow, asked him to appear today. He submitted a statement, which is on file at the Commission office, and said most of his concerns had been addressed today. One further important point was that this portion of the North Point project proposed a large transportation terminal and warehouse for the waterfront, when such use could be put almost anyplace else in the city. He said it should be well understood that this was an application for a warehouse on the waterfront.

Louis Maglivlo, owner of the Crow's Nest restaurant, said his building, before it burned in the recent fire at Pier 37, had been at that site for 50 years. The Crow's Nest had operated for 30 of those 50 years. He said in 1969 he, and some others, presented a program for development of this part of the northern waterfront. Shipping was still active at that time, and such an application was considered premature. The involved parties were told, at that time, they would be notified when the area was ready for development. Such notification never came. While he did not object to the North Point project, nevertheless, if Mr. Simmons were granted this amendment, his own livelihood would be eliminated. Mr. Simmons proposed 22 restaurants at his project, some of which would replace his own, long-standing operation. He urged the Commissioners to consider this matter seriously.

Mr. Roberts said, in relation to the EIR under discussion, the Crow's Nest was outside the affected area. Mr. Maglivlo's restaurant was located within the area proposed for a park in the plans for Mr. Simmons' project.

Stephen Hill, Save San Francisco Bay Association, said the Association would submit its comments in writing shortly.

MOTION: Commissioner Ogawa moved to close the public hearing, leaving the record open for written testimony until July 3, 1978, seconded by Mr. Carruthers. The motion was approved unanimously.







APPENDIX D

RELEVANT PORTIONS OF THE McATEER-PETRIS ACT,  
SAN FRANCISCO BAY PLAN, AND  
SPECIAL AREA PLAN NO. 1: SAN FRANCISCO WATERFRONT



## APPENDIX D

Two commentators on the Draft Environmental Impact Report requested that the relevant BCDC policies be included in the final document. The following policies pertain to the area of the proposed project.

### A. San Francisco Bay Plan

1. San Francisco Bay Plan. The section, "Fills In Accord with Bay Plan" (page 36, as amended), in part, state:

"A proposed project should be approved if the filling is the minimum necessary to achieve its purpose, and if it meets one of the following five conditions:

"(5) The filling would provide on privately-owned or publicly-owned property for improvement of shoreline appearance--in addition to what would be provided by the other Bay Plan policies--and the filling would be limited to replacement piers for Bay-oriented commercial recreation and Bay-oriented public assembly purposes, covering less of the Bay than was being uncovered. The Bay agency should issue permits under this criterion provided:

- "(a) The proposed replacement fill in its entirety, including all parts devoted to public recreation, open space, and public access to the Bay, would cover an area of the Bay smaller in size than the area being uncovered by removal of piers (pile-supported platforms), and those parts of the replacement fill devoted to uses other than public recreation, open space, and public access would cover an area of the Bay no larger than 50 percent of the area being uncovered (or such greater percentage as was previously destroyed involuntarily, in whole or in part, by fire, earthquake, or other such disaster, and will be devoted to substantially the same uses).
- "(b) The volume (mass) of structures to be built on the replacement pier (pile-supported platform) would be limited to the minimum necessary to achieve the purposes of the project.
- "(c) The replacement fill would be limited to piers (pile-supported platforms), rather than earth or other solid material, and, wherever possible, a substantial portion of the replacement project would be built on existing land.

"(d) The pier (pile-supported platform--not a bridge) to be removed from the Bay must have:

"(i) been destroyed involuntarily, in whole or in part, by fire, earthquake, or other such disaster, or

"(ii) become obsolete through physical deterioration, or

"(iii) become obsolete because changes in shipping technology make it no longer needed or suitable for maritime use.

"If the platform itself, or the structures on it, have become obsolete, but the pilings that support the platform are structurally sound, consideration must be given to using the existing pilings in any replacement project.

"(e) The proposed project must be consistent with a comprehensive special area plan for the geographic vicinity of the project, a special area plan that the Commission has determined to be consistent with the policies of the San Francisco Bay Plan, except that this provision would not apply to any project involving replacement of only a pier that had been destroyed involuntarily.

"(f) The proposed project would involve replacement fill and removal of material in the same geographic vicinity (as set forth in the applicable special area plan).

"(g) The proposed replacement pier would not extend into the Bay any farther than (i) the piers (pile-supported platforms) to be removed from the Bay as part of the project, or (ii) adjacent existing piers.

"(h) The proposed project would limit the use of the replacement pier to: (i) public recreation (beaches, parks, etc.), and (ii) Bay-oriented commercial recreation and Bay-oriented public assembly, defined as facilities specifically designed to attract large numbers of people to enjoy the Bay and its shoreline, such as restaurants, specialty shops, and hotels.



- "(i) The proposed project would be designed so as to take advantage of its nearness to the Bay, and would provide opportunities for enjoyment of the Bay in such ways as viewing, boating, fishing, etc., by keeping a substantial portion of the new shoreline created on the replacement pier, open to the public free of charge (though an admission charge could apply to other portions of the project).
- "(j) The proposed project would not conflict with the adopted plans of any agency of local, regional, state, or federal government having jurisdiction over the area proposed for the replacement piers, and would be in an area where governmental agencies have not planned or budgeted for projects that would provide adequate access to the Bay.
- "(k) The proposed project would either provide recreational development in accordance with the Bay Plan maps or would provide additional recreational development that would not unnecessarily duplicate nearby facilities.
- "(l) The project would be planned to minimize the need for filling. (For example, all automobile parking should, wherever possible, be provided on nearby land or in multi-level structures rather than in extensive parking lots.)
- "(m) The proposed project would result in permanent public rights to use specific areas set aside for public access and recreation; these areas would be improved at least to finished grade and by installation of necessary basic utilities, at little or no cost to the public.
- "(n) The proposed project would, to the maximum extent feasible, establish a permanent shoreline in a particular area of the Bay, through dedication of lands and other permanent restrictions on all privately-owned and publicly-owned property Bayward of the area approved for piers."

2. Special Area Plan for San Francisco. The project falls within the area covered by BCDC Special Area Plan No. 1, as amended, adopted by the Commission as part of the Bay Plan on April 17, 1975. Relevant portions of the Special Area Plan include the following:

a. The section on Criteria for Granting Permits (page 13) states: "Within the area covered by Special Area Plan No. 1: San Francisco Waterfront, a proposed project should be approved if it is consistent with: (1) the McAteer-Petris Act; (2) the provisions of the San Francisco Bay Plan then in effect; and (3) the Special Area Plan for the San Francisco waterfront.

b. The policies on Required Public Access (pages 15 and 16) state:

"a. In accordance with general Bay Plan policies, maximum feasible public access should be provided in conjunction with any development of existing or replacement piers. Public access should be located at ground or platform level, but minor variations in elevation intended to enhance design of open space may be permitted. Public access should also be open to the sky, although some covering may be allowed if it serves the public areas and does not support structures. Particular attention should be given to the provision of perimeter public access along the platform edge. Other uses may extend to the platform edge subject to the following conditions:

"(1) Such uses should enhance the total design of the project, should serve to make the public access more interesting, and should not divert the public way along more than twenty percent (20%) of the total platform edge.

"(2) Deviations of the public way from the platform edge should be limited to short distances.

"b. Development of public access should be required as a condition of permits for new maritime and non-maritime development."

c. The policies on View Corridors (page 16), in part, state:

"Important Bay views along the Embarcadero and level inland streets should be preserved and improved. Minor encroachment into the view corridors from level inland streets may be permitted under the following conditions:

"a. Where the encroaching element has a distinct maritime character, is separated from the shoreline by water, and adds variety to the views along the waterfront.

"b. Where minor structures (such as kiosks) are desirable to provide public amenities contributing to a continuity of interest and activity along the waterfront.

"c. Where essential maritime facilities cannot reasonably be located and designed to avoid view blockage.

d. The General Recommendations (pages 17-19), in part, state:

1. "--Design Recommendations: For historic continuity and esthetic reasons, pier entrance arches should, wherever possible, be preserved and incorporated into designs for new development."



2. "--Connecting buildings between piers should be eliminated wherever possible."

e. Piers 37, 39, and 41 (page 29, as amended), in part, state:  
"1. Replacement fill in the area of Piers 37, 39 and 41 should be limited to: (a) public recreation and open space in conformance with local plans for the development of a 'North Point Park' in this area; and (b) Bay-oriented commercial recreation complementary to park use" and "3. Any development on the shoreline, on existing piers or on replacement fill, should open to the public exceptional views of the Bay from this location."

B. McAteer-Petris Act. Relevant portions of the BCDC law include:

a. Section 66605 of the Government Code states: "The Legislature further finds and declares:

"(a) That further filling of San Francisco Bay should be authorized only when public benefits from fill clearly exceed public detriment from the loss of the water areas and should be limited to water-oriented uses (such as ports, water-related industry, airports, bridges, wildlife refuges, water-oriented recreation and public assembly, water intake and discharge lines for desalinization plants and power generating plants requiring large amounts of water for cooling purposes) or minor fill for improving shoreline appearance or public access to the Bay;

"(b) That fill in the bay for any purpose, should be authorized only when no alternative upland location is available for such purpose;

"(c) That the water area authorized to be filled should be the minimum necessary to achieve the purpose of the fill;

"(d) That the nature, location and extent of any fill should be such that it will minimize harmful effects to the bay area, such as, the reduction or impairment of the volume surface area or circulation of water, water quality, fertility of marshes or fish or wildlife resources;

"(e) That public health, safety and welfare require that fill be constructed in accordance with sound safety standards which will afford reasonable protection to persons and property against the hazards of unstable geologic or soil conditions or of flood or storm waters;

"(f) That fill should be authorized when the filling would, to the maximum extent feasible, establish a permanent shoreline;

"(g) That fill should be authorized when the applicant has such valid title to the properties in question that he may fill them in the manner and for the uses to be approved."

2. Section 66632.4 of the Government Code states: "Within any portion or portions of the shoreline band which shall be located outside the boundaries of water-oriented priority land uses, as fixed and established pursuant to Section 66611, the commission may deny an application for a permit for a proposed project only on the grounds that the project fails to provide maximum feasible public access, consistent with the proposed project, to the bay and its shoreline."







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